

JUL 03 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CIPRIANO TOYOS-CORDOVA,

Defendant - Appellant.

No. 07-10300

D.C. No. CR-06-02090-DCB

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Arizona
David C. Bury, District Judge, Presiding

Submitted June 18, 2008^{**}

Before: THOMAS, W. FLETCHER and CLIFTON, Circuit Judges.

Cipriano Toyos-Cordova appeals from the 63-month sentence imposed following his guilty-plea conviction for possession with intent to distribute

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

marijuana, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B)(vii). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Toyos-Cordova contends that the district court gave undue weight to the Sentencing Guidelines, failed to consider mitigating factors when imposing the sentence, and failed to adequately explain its reasons for the sentence. We conclude that there was no procedural error and that the sentence imposed is substantively reasonable. *See Gall v. United States*, 128 S. Ct. 586, 597 (2007); *United States v. Carty*, 520 F.3d 984, 995-96 (9th Cir. 2008) (en banc).

AFFIRMED.